



Entered on Docket  
October 27, 2009

A handwritten signature in black ink, appearing to read "R. Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

LEWIS AND ROCA LLP

Rob Charles (NV 6593)  
John Hinderaker (AZ 018024)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

CHAPTER 11

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SEVENTEENTH OMNIBUS OBJECTION OF USACM LIQUIDATING TRUST TO DOUBLE COUNTED CLAIMS**

Hearing Date: October 19, 2009  
Hearing Time: 3:00 p.m.

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1       The Court having considered the “Seventeenth Omnibus Objection of USACM  
2 Liquidating Trust to Double Counted Claims; and Certificate of Service” [DE 7527] (the  
3 “Objection”); the Court having heard the Objection on October 19, 2009; appropriate  
4 notice of the Objection having been given; no response to the Objection having been filed;  
5 and good cause appearing:

6       **IT IS ORDERED** that:

- 7           1.      The Objection [DE 7527] is sustained; and  
8           2.      The claims listed on **Exhibit A** are disallowed in the amounts shown there as  
9      duplicative amount.

10     PREPARED AND RESPECTFULLY SUBMITTED BY:

11     **LEWIS AND ROCA LLP**

12     By /s/ John Hinderaker (018024)  
13       Rob Charles  
14       John Hinderaker (*pro hac vice*)  
15       3993 Howard Hughes Parkway, Ste. 600  
16       Las Vegas, Nevada 89169-5996  
17       Telephone: (702) 949-8320  
18       Facsimile: (702) 949-8321

19     *Attorneys for USACM Liquidating Trust*

20

21

22

23

24

25

26



1 In accordance with Local Rule 9021, the undersigned certifies:

- 2       The Court waived the requirements of LR 9021.
- 3       No parties appeared or filed written objections, and there is no trustee appointed  
4                  in this case.
- 5       I have delivered a copy of this proposed order to all counsel who appeared at the  
6                  hearing, any unrepresented parties who appeared at the hearing, and any trustee  
7                  appointed in this case, and each has approved or disapproved the order, or failed  
                to respond, as indicated below (list each party and whether the party has  
                approved, disapproved, or failed to respond to the document):

U.S. Trustee:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

14                  ####

15 Submitted by:

16 **LEWIS AND ROCA LLP**

18 By: /s/ JH (#018024)

19                  Rob Charles  
20                  John Hinderaker (*pro hac vice*)  
21                  Attorneys for USACM Liquidating Trust

USACM

**Exhibit A**  
**Proofs of Claim Asserting Duplicate Amounts**

Name	Address	Claim #	Total Amount of Claim as Listed in Claim Register	Claim Amount Subject To Objection as a Duplicative Amount
NANCY R GILMOUR IRA	FIRST SAVINGS BANK CUSTODIAN FOR PO BOX 1241 CAMANO ISLAND WA 98292-1241	10725-02380	406,008.22	203,004.11
NAYLON, DOMINIQUE	PO BOX 2 TOPAZ CA 96133	10725-02044	1,168,297.62	584,148.81
NEAL, RONALD DOUGLAS	22853 BOXWOOD LN SANTA CLARITA CA 91390-4155	10725-02170	282,277.38	141,138.69
NEVINS JT TEN, RICHARD & MICHELE	1547 BOB GOALBY LN EL PASO TX 79935	10725-02026	2,798,759.62	1,399,379.81
NEWMAN FAMILY TRUST DTD 9/20/97	LARRY J & ELSIE D NEWMAN TTEES 1775 AUTUMN VALLEY WAY RENO NV 89523	10725-02150	1,000,238.46	500,119.23
NORMA LAMB-GROVES TRUST DTD 2/18/03	NORMA LAMB-GROVES TRUSTEE 1355 PLAYER CIR ST GEORGE UT 84790	10725-02365	202,986.10	101,493.05
NOXON FAMILY TRUST	C/O ARTHUR G & JOAN NOXON TTEES 2657 WINDMILL PKWY #197 HENDERSON NV 89074-3384	10725-00972	70,853.66	35,426.83
O`RIORDAN, JOHN E & SONHILD A	2745 HARTWICK PINES DR HENDERSON NV 89052-7002	10725-01923	3,476,504.52	1,738,252.26
OGREN, WILLIAM W & BETTY R	22102 SHANNON DELL DR AUDUBON PA 19403	10725-02161	202,926.38	101,463.19
OLGA O`BUCH TRUST DTD 5/28/98	OLGA O`BUCH TTEE 140 GAZELLE RD RENO NV 89511	10725-02121	507,403.52	253,701.76